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a communications company

February 25, 2010

FILED VIA ECFS TRANSMISSION

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: EB Docket No. 06-36
Annual 64.2009(e) CPNI Certification for 2009
FiberNet, LLC – Form 499 Filer ID: 821222

Dear Ms. Dortch:

In accordance with 47 CFR 64.2009(e), transmitted herewith for filing please find the “CPNI Certification and Incorporated Statement of David R. Armentrout on behalf of FiberNet, LLC and its Operating Subsidiaries” for calendar year 2009 in the above-captioned proceeding.

If you have any questions regarding this filing, please feel free to contact me. In this regard, I may be reached directly by telephone at (304) 720-2159, by facsimile at (304) 720-2121, or by e-mail at shamula@wvfibernet.net.

Sincerely,

STEVEN HAMULA
Director of Regulatory Affairs
FiberNet, LLC

SH/s
Enclosure

328 Acville Street
Beckley, WV 25801
304.929.2101

1102 Third Avenue
Huntington, WV 25701
304.781.2101

221 E. Antietam Street
Hagerstown, MD 21740
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900 Fairmont Avenue, Suite 201
Fairmont, WV 26554
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401 Grand Central Avenue, Suite C
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38 Fifth Street, Suite 200
Martinsburg, WV 26003
304.230.2101

114 12th Street
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113-115 Baltimore Street,
Suite 204
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Annual 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2010 covering prior calendar year 2009

Date filed: February 25, 2010

Name of company covered by this certification: FiberNet, LLC and associated CLEC Operating Subsidiaries, FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC, and FiberNet of Virginia, Inc.

Form 499 Filer ID: 821222

Name of signatory: David R. Armentrout

Title of signatory: President and Chief Operating Officer

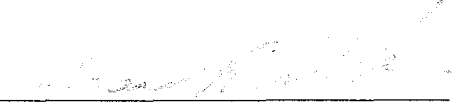
I, David R. Armentrout, certify that I am the President and Chief Operating Officer of FiberNet, LLC and its associated CLEC subsidiaries, including FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC, and FiberNet of Virginia, Inc., (collectively "FiberNet") and acting as an agent of the aforementioned companies, that I have personal knowledge that these companies have established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See, 47 C.F.R. § 64.2001. et seq.

Attached to this certification is an accompanying statement explaining how the companies' procedures ensure that they are in compliance with the requirements set forth in section 64.2001 et seq. of the Commission's rules. This statement also explains the steps the companies are taking to protect CPNI.

The companies have not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. The companies have no information with respect to the processes pretexters are using to attempt to access CPNI.

The companies have not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The companies represent and warrant that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The companies also acknowledge that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed 
David R. Armentrout
President and Chief Operating Officer
FiberNet, LLC

**CPNI Certification and Incorporated Statement of David R. Armentrout on behalf
of FiberNet, LLC and its Operating Subsidiaries**

1. My name is David R. Armentrout. I certify that I am the President and Chief Operating Officer of FiberNet, LLC (“FiberNet”) and its associated CLEC subsidiaries.
2. The CLEC subsidiaries of FiberNet, LLC include FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC, and FiberNet of Virginia, Inc.
3. I further certify that I have personal knowledge concerning the Commission’s CPNI rules, FiberNet’s CPNI policy, and the procedures and systems that FiberNet has undertaken to ensure compliance with the Commission’s CPNI rules. See, 47 C.F.R § 64.2001 et seq.
4. FiberNet uses a customer’s CPNI for purposes of marketing service offerings to its customers among categories of service, such as local, interexchange and internet access, to which the underlying customer already subscribes for such services from FiberNet.
5. FiberNet does not use a customer’s CPNI to market service offerings to customers that are in a different category of service. To the extent that it does so in the future, FiberNet will obtain customer approval through the opt-out process or other recognized method. FiberNet will honor a customer’s approval or disapproval to use, disclose or permit access to CPNI until the customer revokes or limits such approval. FiberNet will maintain a copy of such approval for a minimum of one (1) year.
6. FiberNet provides written notice of a customer’s right to restrict the use of, disclosure of, and access to that customer’s CPNI by use of a separate notification document that fully apprises customers of their rights, and FiberNet’s duties, to protect the privacy of CPNI under applicable law.
7. FiberNet provides further information concerning customer rights relative to the restriction and protection of CPNI by the insertion of descriptive language into FiberNet’s Telecommunications Service Agreements (“TSAs”), which a customer reviews and executes prior to the actual provision of telecommunications service by FiberNet.
8. FiberNet does not sell or otherwise make CPNI available to third parties.
9. FiberNet does not disclose CPNI at any retail or sales locations.
10. FiberNet has not taken any actions (proceedings instituted or petitions filed at either state commissions, the court system, or at the Commission) against data brokers in the past year.

11. FiberNet does not have any information with respect to the processes pretexters are using to attempt to access CPNI, but as noted herein, FiberNet does take steps to diligently protect CPNI from unauthorized access and/or disclosure.

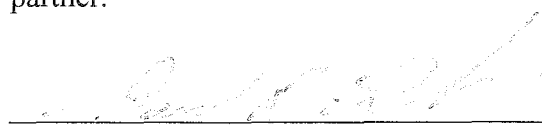
12. FiberNet has not received any documented customer complaints in the past year concerning the unauthorized release of CPNI.

13. Paper files that may contain CPNI are kept in secure areas, are accessible only by authorized employees, and may not be used, removed, or copied in an authorized manner.

14. Electronic files and databases containing CPNI are maintained in FiberNet's Operating Support Systems ("OSS") that are not accessible from the Internet and are protected behind firewalls and by other security protocols that are regularly monitored and tested for effectiveness. Moreover, such electronic files, information, and databases may be accessed only by authorized FiberNet employees who have been provided with an employee specific login ID and password (which password is periodically required to be changed).

15. FiberNet has a written CPNI policy that is designed to ensure the Company complies with applicable CPNI rules. In addition to the above matters, said policy addresses marketing between affiliates; maintaining records of CPNI notification; maintaining records of marketing campaigns that may use CPNI; the review process regarding carrier compliance with the use of CPNI for marketing; CPNI disclosure safeguards; notification protocols to law enforcement in the event of a CPNI breach; training for employees who may have access to CPNI; and annual compliance certificates.

16. FiberNet has informed its employees and agents, independent contractors and joint venture partners that it considers compliance with the FCC Rules regarding the use, disclosure, and access to CPNI to be extremely important. As a result, any violation by FiberNet employees or agents of CPNI requirements will lead to prompt disciplinary action (including remedial training, reprimands, unfavorable performance reviews, probation, and possible termination), depending upon the circumstances of the violation (including the severity of the violation, whether the violation was a first time or repeat violation, whether appropriate guidance was sought or received, and the extent to which the violation was or was not deliberate or malicious). Any violation by independent contractors or joint venture partners of CPNI requirements will lead to prompt disciplinary action up to and including remedial training and/or termination of the contractual or other relationship with such independent contractor or joint venture partner.



David R. Armentrout
President & Chief Operating Officer
FiberNet, LLC